

MEMORANDUM OF LAW

DATE: June 23, 1988

TO: James Sills, Executive Assistant to
Councilmember J. Bruce Henderson

FROM: City Attorney

SUBJECT: Proposition 73 and Mass Mailings

This is to confirm our telephone conversation of June 14, 1988 regarding the impact of Proposition 73 on mass mailings by elected officials. A copy of this proposition as it appeared in the Voters Pamphlet is attached for your reference.

First, we believe that portion of Proposition 73 affecting mass mailings was effective June 8, 1988, the day after it was adopted by the voters, pursuant to Article II, section 10(a) of the California Constitution. The FPPC concurs in this opinion according to staff attorney Lily Spitz.

Second, we believe that the provisions governing mass mailing are very broad and prohibit the preparation and distribution, by mail or otherwise, of 200 or more newsletters or other substantially similar pieces of mail by elected officials at public expense. We believe the measure is intended to prohibit the use of City labor or supplies as well as postage to send or distribute elected officials' newsletters.

The Fair Political Practice Commission (FPPC) is expected to issue an emergency regulation governing mass mailing provisions of Proposition 73 by the end of June 1988. Pending the issuance of an interpretive regulation by the FPPC, we are attaching Advice Letter No. A-88-220 which details their current view of itemized public documents affected by Proposition 73. Of course, we will provide you the final regulation as soon as it is issued.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:mb:930.62(x043.2)

Attachments

cc Ms. Spitz, Staff Attorney, FPPC

ML-88-62